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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

STEPIEN ET AL

Case No.: 2:21-cv-13271 KM JSA

V.

GABE ET AL

MOTION TO INTERVENE

Fed R. Civ P 24

Comes now, Reginald Burgess a natural born American citizen, 65 years of age, to Intervene in this action pursuant to Federal Rules of Civil Procedure 24 by right and interest to request the court issue an order of dismissal of the claim and causes of action and prayers of plaintiffs and issue an order for a mandatory injunction in the interest of public health and safety that masks shall be worn in accordance CDC guidelines nation wide and that all person's able and fit in America and its protectorates receive a vaccine in accordance well settled law of the standing order and ruling of the US Supreme Court in *Jacobson v Massachusetts*, [197 US 11](#) (1905) and I make this motion because only this as a Federal Court with an action of case or controversy before it now has the power to give the force of law to the findings of the CDC and the executive branch in the name of public health and safety due to *Jacobson*. This is an unusual pleading because it electronically points to rapidly evolving current information. CNN however is known for keeping all news posts active and available for years. I will be as brief as possible.

MOTION TO INTERVENE

Summary

Jacobson came to be on the frontline of the smallpox epidemic and it's vaccine which in the end 100 years later with persistent vaccinations worldwide eradicated smallpox from the planet as far as we know. Today humans face a far more formidable disease in COVID in that it is silent and deadly like Typhoid, but it mutates and is quietly **spread by all persons**, vaccinated and unvaccinated alike as Typhoid Mary did. See https://en.m.wikipedia.org/wiki/Mary_Mallon On or about July 28 2021 the CDC declared and admitted as much due to the Delta and Lambda variants being 1000 times more virulent spreading so fast and actually through and infecting vaccinated persons. The recommendation is for all persons to mask up again everywhere. See <https://www.cnn.com/videos/tv/2021/07/28/lead-rosa-flores-dnt-live-jake-tapper.cnn> Still yet, the CDC is not clear to the public why.

In September of 2020 I sent a letter brief to the Chief Justice of the California Supreme Court taking the position the California courts would need to be more remote appearance friendly universally because the vaccine was not going to “work for long”. On July 25 2021, I wrote in a response letter to the California DHCS sent by email the same day:

““First, even vaccinated persons can grow and continue to spread the disease, but for 6 to 8 months they can be like walking “Typhoid Mary’s” until the antibodies wear low enough for a true “break through” infection to occur. The CDC is either lying or wrong, or inept, or being lied to. Because COVID is a two step infection process, no one in America – or the World for that matter has made clear, the incorrect belief persists that vaccinations will kill and eradicate the virus when they will not. Vaccinated people can still

1 hold grow and shed the virus. Quietly kept, several studies have
 2 shown this, that vaccinated people are protected from the stage two
 3 infection, but stage one evades the innate immune response the virus
 4 thus can land and live and grows in the cool mucous environment of
 5 the upper respiratory tract, so I personally have always worn an N95
 6 mask, even when Dr. Fauci said not to buy them so I personally do not
 7 want to visit anyone – a Doctors office especially. I have 20 and none
 8 are for sale. See for proof of this these two articles and others from
 9 respected scientific sources like them.

10 [https://www.forbes.com/sites/williamhaseltine/2020/05/16/did-the-](https://www.forbes.com/sites/williamhaseltine/2020/05/16/did-the-oxford-covid-vaccine-work-in-monkeys-not-really/?sh=1f94c9303c71)
 11 [oxford-covid-vaccine-work-in-monkeys-not-really/?sh=1f94c9303c71](https://www.forbes.com/sites/williamhaseltine/2020/05/16/did-the-oxford-covid-vaccine-work-in-monkeys-not-really/?sh=1f94c9303c71)
 12 and [https://www.newswise.com/coronavirus/why-sars-cov-2-](https://www.newswise.com/coronavirus/why-sars-cov-2-replicates-better-in-the-upper-respiratory-tract)
 13 [replicates-better-in-the-upper-respiratory-tract](https://www.newswise.com/coronavirus/why-sars-cov-2-replicates-better-in-the-upper-respiratory-tract) The Fourth of July
 14 launched this new COVID wave – I knew it would. I waited until
 15 near July 4th to begin my vaccination because by Christmas when
 16 everyone else’s vaccination will have worn off I will still be
 17 protected; it may be an ugly Autumn””

18
 19 This above is why. On July 17, 2021 I sent an email to 9 well known CNN
 20 anchors telling them the vaccine cannot do what they keep claiming it does and
 21 that they are also misleading the public in part as thus:

22
 23 ““I get my second shot on July 21st and I waited six months because,
 24 as Pfizer has tried to warn, the efficacy wears off in 6 to 8 months
 25 (See.[https://www.bloomberg.com/news/articles/2021-07-05/israel-](https://www.bloomberg.com/news/articles/2021-07-05/israel-sees-decline-in-pfizer-vaccine-efficacy-rate-yonet-says)
 26 [sees-decline-in-pfizer-vaccine-efficacy-rate-yonet-](https://www.bloomberg.com/news/articles/2021-07-05/israel-sees-decline-in-pfizer-vaccine-efficacy-rate-yonet-says)
 27 [says](https://www.bloomberg.com/news/articles/2021-07-05/israel-sees-decline-in-pfizer-vaccine-efficacy-rate-yonet-says) and [https://www.cnn.com/2021/07/06/health/israel-pfizer-](https://www.cnn.com/2021/07/06/health/israel-pfizer-efficacy-delta-variant-intl/index.html)
 28 [efficacy-delta-variant-intl/index.html](https://www.cnn.com/2021/07/06/health/israel-pfizer-efficacy-delta-variant-intl/index.html)) and it appears come the

1 Christmas season, no one will shut down again, schools will be open
2 spreading it, and, people will not listen this time for sure, and this time
3 it will be the time all the current vaccinations will be wearing off and
4 people will be emboldened that they are protected forever because
5 even CNN people have been saying that without disclaimer.
6

7 The bottom line is vaccines only trigger the immune system and if
8 and only if the vitamins, minerals and nutrients are present in the body
9 to make AND maintain the antibodies, otherwise then over time the
10 body will discard them needing those nutrients for other things in the
11 body.
12

13 It is like Dr Gupta pointed out transmissions with Delta occur just
14 walking past another or touching a garbage can and that can also
15 mean touching money or packaging on store shelves. In short the air
16 is not safe to breath near others, or touch things of others having done
17 so.
18

19 Gupta did not say anything but he knows that the Delta variant breaks
20 through the vaccines. Berman jumped in to say that the vaccine was
21 protection, but clearly Dr. Gupta reluctantly agreed.””
22

23 On July 28, 2021 the CDC and Dr Fauci admitted the breakthrough infections are
24 occurring at such a rate the vaccine is no longer protecting as everyone hoped it
25 would and a re-mask up recommendation was then announced for all nationwide.
26

27 This action was filed by misguided and dim witted litigants and counsel actually
28 advocating putting children at risk of a swift ugly painful death. The Delta and

Lambda variant moves so fast before one knows they have it they are dead or close to unsalvageable death, and these variants kill children and babies too.

See <https://www.cnn.com/videos/health/2021/07/25/arkansas-doctor-coronavirus-unvaccinated-patients-plea-sot-nr-vpx.cnn> Dr Fauci also then went on CNN to sound the alarm. See <https://www.cnn.com/videos/health/2021/07/28/fauci-covid-19-mask-vaccination-cpt-sot-vpx.cnn> (note that all CNN urls have the post date)

Argument

The litigants and counsel who filed this action in their dim wits confuse civil liberties with endangering others with biological agents and pathogens which **Jacobson** makes clear one does not have the civil or constitutional right to do. . See <https://www.cnn.com/videos/health/2021/07/27/covid-19-masks-schools-guidance-victor-blackwell-nr-vpx.cnn> Only had Mr. Trump said "Copper", and not "Bleach"... See <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7199671/> and <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7518164/> The pandemic has brought out the royal stupidity of humans, unfortunately most are Republican. See <https://www.cnn.com/videos/politics/2021/07/30/lauren-boebert-covid-colorado-ac360-tuchman-pkg-vpx.cnn/video/playlists/this-week-in-politics/> when elected officials do that, police power is needed from a court. Yet people continue to deny COVID as they die. See <https://www.cnn.com/videos/health/2021/07/29/louisiana-hospital-coronavirus-hotspot-delta-marquez-pkg-lead-vpx.cnn>


The binding precedent of **Jacobson** on this court and the real world parallel of COVID transmission to the history of Typhoid Mary as asymptomatic transmission does not allow the court to grant relief as prayed. Indeed the opposite is true, that only N95 masks and vaccinations for all Americans will protect against this Delta and Lambda Variant. A vaccination is not an “option” for people to think about.

1 Instead science, common sense and the orders of the State and Federal health
 2 officials to mask up and get vaccinated command the opposite of the court. There
 3 is no precedent in the law for COVID but **Jacobson** and the story of Typhoid Mary,
 4 but that along with watching an hour of CNN reports – and those that cascade
 5 behind any of the first ones viewed, on the internet on COVID in America and
 6 World wide would tell any intelligent person it is not about civil liberties when the
 7 scientific reality is what the filing litigants seek will put others at risk and kill
 8 people. Carl Bernstein believes that is societal and borderline genocide and war
 9 criminal like behavior. See [https://www.cnn.com/videos/media/2021/07/25/carl-](https://www.cnn.com/videos/media/2021/07/25/carl-bernstein-trump-own-american-war-criminal-stelter-rs-vpx.cnn)
 10 [bernstein-trump-own-american-war-criminal-stelter-rs-vpx.cnn](https://www.cnn.com/videos/media/2021/07/25/carl-bernstein-trump-own-american-war-criminal-stelter-rs-vpx.cnn)

11 12 **Conclusion**

14 President Biden, Congress, nor the CDC have the police power this court does due
 15 **Jacobson**. This court should take the extraordinary step to order mandatory
 16 injunctive relief to order masking nationwide at the command of the CDC as well
 17 as vaccines be taken by those capable as only this as a Federal Court with an action
 18 of case or controversy before it by citizens now has the power to give the force of
 19 law to the findings of the CDC and the executive branch in the name of public
 20 health and safety due to **Jacobson**. For those who won't comply - and there always
 21 are those in every epidemic or pandemic; there is the precedent of legal quarantine
 22 incarceration or of course they can renounce their citizenship and leave the country
 23 for what other will take them in,. The plaintiff litigants do not have a constitutional
 24 right to jeopardize all of public health in America according to **Jacobson**.

25 I declare under penalty of perjury under the laws of the
 26 State of California the forgoing is true and correct, signed
 27 this 29th day of July, 2021 at Norwalk, California

28 
 Reginald Burgess

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PROOF OF SERVICE BY EMAIL

I have this date served the below parties electronically to the listed email
addressed as verified by Readnotify.com

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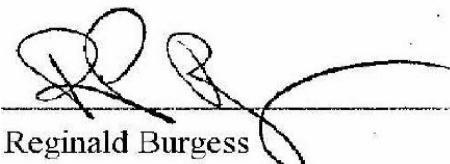
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(No known appearance by defendants yet)

I declare under penalty of perjury under the laws of the
State of California the forgoing is true and correct,
signed this 29th day of July 2021 at Norwalk, California


Reginald Burgess

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